

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MAUREEN SULLIVAN-STEMBERG,

Plaintiff,

v.

Civil Action No.:
04 10298 WGY

TURNER CONSTRUCTION COMPANY and
NISHIMATSU CONSTRUCTION CO., LTD. and
RAYMOND DEVELOPMENT, INC. and
MNOP CORPORATION and
JOHN F. HAYES, Individually, and
as President of MNOP CORPORATION and
FLAGSHIP WHARF CONDO ASSOCIATION,

Defendants.

PLAINTIFF'S MOTION
TO EXTEND TIME TO PERFECT SERVICE

Now comes the Plaintiff in the above-captioned civil action and hereby files this motion to extend the time to perfect service on the Defendant, Nishimatsu Construction Co., Ltd. for the following reasons:

1. Plaintiff has had difficulty in attempting to serve Defendant, Nishimatsu Construction Co., c/o Kazuhiko Takahara, 18912 Kingsbury Street, Northridge, California.
2. Plaintiff forwarded Summons and Complaint to the Sheriff's Department of Los Angeles County, California. Plaintiff was notified by same that they do not serve United States District Court process and instructed to contact the U.S. Marshal in this regard. Please see attached Notice labeled "Exhibit A."

3. The Office of the U.S. Marshal advised Plaintiff that it does not serve United States District Court process in a civil action of this nature.
4. Plaintiff then contacted Attorney Related Services, Inc. who served the Complaint in hand to Kazuhiko Takahara, registered agent for Nishimatsu Construction Co., Ltd., on May 4, 2002.
5. Plaintiff has not yet received the original Proof of Service of Summons. A faxed copy of said Proof is attached hereto labeled "Exhibit B."

WHEREFORE, Plaintiff requests an extension of fourteen (14) days to perfect service of the Summons and Complaint on Defendant, Nishimatsu Construction Co.

Respectfully submitted,
By plaintiff's attorney
LAW OFFICES OF JEFFREY S. GLASSMAN, LLP



Neil S. Cohen, Esquire
BBO # 561173
One Beacon Street, Suite 3333
Boston, MA 02108
(617) 367-2900

Dated: 5/11/04

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
COURT SERVICES DIVISION

EXHIBIT

A

Your process/document(s) are being returned to you for the reason(s) check below:

Written instructions are:

- ☐ Required for service
☐ Incomplete
☐ Inadequate
☐ Not signed
☐ Not legible
☐ Signed by someone other than the Attorney of record or filigant (COP § 488.030)

Fees:

- ☐ Deposit for fees are required in advance
☐ Insufficient amount, fees or deposit required \$ _____
☐ Remit fees by Money Order, Cashiers Check or Personal Check payable to the Sheriff's Department, Los Angeles County
NOTE: DO NOT SEND CASH THROUGH THE U.S. MAIL
☐ A \$ _____ Notary Fee is required
☐ Witness Fees are required, made payable to the witness, amount \$ _____
☐ Check is not signed or amounts differ or check is stale dated

Writ or Document is:

- ☐ Incomplete (if \$ _____)
☐ Irregular on its face
☐ Not legible
☐ Directed to wrong County
☐ Writ has changes which are not initialed by the issuing clerk of the court
☐ Insufficient number of copies received, need _____ additional copies of the indicated document(s)
☐ Additional documents needed for proper service, see below or refer to the attached samples
☐ Per our telephone conversation
☐ Other:

EXPLANATION OF ABOVE:

Sheriff does not serve United States District Court process, contact U.S. Marshal (213) 894-2485

PLEASE ENCLOSE THIS MEMO WHEN RESUBMITTING YOUR PROCESS FOR SERVICE

The attached document(s) check number _____ in the amount of \$ _____ is being returned for the reason check below:

- ☐ We have received a total release from the plaintiff or a court order releasing the funds.
☐ Unable to locate case number given, please provide a copy of the levy/order.
☐ Defendant has filed Bankruptcy: No. _____ Chapter No. _____ Date filed _____
☐ We have received judgment and costs on this case.
☐ Make checks payable to the Sheriff's Department, Los Angeles County
☐ Other:

Return to Address below:

SHERIFF'S DEPARTMENT
 9425 PENFIELD AVE.
 CHATSWORTH, CA 91311
 (818) 576-8800

LEROY D. BAGA, SHERIFF

By: *JPanner*

Deputy

Date: *4-1-04*

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): NEIL S. COHEN, ESQ., JEFFREY S. GLASSMAN, L.L.P. ONE BEACON ST, STE 3333 BOSTON, MA 02108-0800 TELEPHONE NO.: (617) 367-2900 FAX NO: (617) 722-9999 E-MAIL ADDRESS: ATTORNEY FOR (Name): PLAINTIFF		POS-010 FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: District of Massachusetts MAILING ADDRESS: SAME AS ABOVE CITY AND ZIP CODE: MA BRANCH NAME: District of Massachusetts		CASE NUMBER: 04 10298 WGY
PLAINTIFF/PETITIONER: SULLIVAN-STEMBERG DEFENDANT/RESPONDENT: TURNER CONSTRUCTION COMPANY		Ref. No. or File No.:
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the: **Summons in a Civil Case & Complaint.**
3. a. Party served: **NISHIMATSU CONSTRUCTION CO., LTD.**
 b. Person served: **KAZUHIKO TAKAHARA - REGISTERED AGENT**
4. Address where the party was served: **18912 KINGSBURY ST**
NORTHERIDGE, CA 91326-0000 (HOME)
5. I served the party:
 - a. by personal service; I personally delivered the documents listed in item 2 to the party or person authorized to receive service of the process for the party (1) on (date): **May 4, 2004** (2) at (time): **08:50 pm.**
6. The "Notice to the Person Served" (on the summons) was completed as follows:
 - c. on behalf of: **NISHIMATSU CONSTRUCTION CO., LTD.**
 under the following Code of Civil Procedure section: **CCP 416.10 (corporation)**
7. Person who served papers
 - a. Name: **ROBERT DIMATTIA - ATTORNEY RELATED SERVICES, INC.**
 - b. Address: **13440 VENTURA BLVD STE 102, SHERMAN OAKS, CA 91423-6150**
 - c. Telephone number: **(818) 995-9771**
 - d. The fee for service was: **\$ 49.00**
 - e. I am: (3) registered California process server:
 - (i) Employee or Independent contractor.
 - (ii) Registration No.: **2532**
 - (iii) County: **LOS ANGELES**
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **May 10, 2004**

ROBERT DIMATTIA

(NAME OF PERSON WHO SERVED PAPERS)

Robert Dimattia

(SIGNATURE)



CERTIFICATE OF SERVICE

I, Neil S. Cohen, counsel for the Plaintiff, do hereby certify that I served the foregoing Plaintiff's Motion to Extend Time to Perfect Service on all counsel of record and non-represented parties by United States first class mail, postage prepaid to:

Neil St. John Raymond, President
Raymond Development, Inc.
306 Dartmouth Street
Boston, MA

John F. Hayes, Individually and
as President of MNOP Corporation
16 Lane Drive
Norwood, MA 02062

Nelson G. Apjohn, Esq.
Nutter, McClennan & Fish, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

David E. Rosengren, Esq.
Paul A. Mulroney, Esq.
Pepe & Hazard, LLP
225 Franklin Street, 16th Floor
Boston, MA 02110

Counsel for Flagship Wharf Condo
Association

Counsel for Turner Construction
Company

Nishimatsu Construction Co., c/o
Kazuhiko Takahara,
18912 Kingsbury Street,
Northridge, California

This 11th day of May, 2004.


Neil S. Cohen, Esquire